

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WILLIAM TERRELL, Guardian Ad
Litem for QUENTIN SLAGOWSKI, a
minor; ANIKA SLAGOWSKI, a minor;
and ROWAN SLAGOWSKI,

Plaintiffs,

v.

CENTRAL WASHINGTON ASPHALT, INC.;
DONALD HANNON; JAMES WENTLAND;
and JERRY GOLDSMITH,

Defendants.

AND ALL RELATED MATTERS.

Case No. 2:11-cv-00142-APG-VCF

**ORDER DENYING AS MOOT
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT ON
PUNITIVE DAMAGES REQUEST BY
SLAGOWSKI HEIRS**

(Dkt. #438)

Defendants/third party plaintiffs Central Washington Asphalt, Inc., Donald Hannon, James Wentland, and Jerry Goldsmith ("CW defendants") move for summary judgment on any punitive damages request by plaintiffs Quentin, Anika, and Rowan Slagowski, through their guardian ad litem William Terrell, based on their status as heirs of Jon Michael Slagowski. These plaintiffs respond that the motion is improper because they do not seek punitive damages. (Dkt. #465 at 6 n.1.)

The Slagowski plaintiffs' amended complaint requests punitive damages only on behalf of Jon Michael Slagowski's estate. (Dkt. #329 at 7-8.) Given the amended complaint's allegations, it is unclear why the CW defendants filed this motion without first asking the Slagowski plaintiffs whether this was an issue that needed court involvement to resolve. Because the heirs do not seek punitive damages on their own behalf, this motion is moot. Counsel are encouraged to speak with each other before filing additional motions, and to try to streamline how this case is litigated.

////

////

1 IT IS THEREFORE ORDERED that the CW defendants' motion for summary judgment
2 **(Dkt. #438) is DENIED as moot.**

3 DATED this 18th day of February, 2016.



4 _____
ANDREW P. GORDON
5 UNITED STATES DISTRICT JUDGE
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28